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Werner 2003-0210

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Patent Application**Inventor(s)** Carl Edward Werner**Case** 2003-0210**Conf. No.** 5857**Serial No.** 10/767,785**Group Art Unit** 2455**Filing Date** January 29, 2004**Examiner** Michael Young Won**Title** Instant Message Mass Update Generated from Website Entry

**COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450**

SIR:

***Response to Notification of Non-Compliant Appeal Brief
37 CFR 41.37***

In response to a *Notification of Non-Compliant Appeal Brief* dated April 21, 2009, appellant is submitting replacements for: **Section IV** – Status of Claims; and **Section VI** – Summary of Claimed Subject Matter.

IV. STATUS OF CLAIMS

Claims 1, 3-6 and 8-11 are hereby identified as the appealed claims, pursuant to 37 CFR 41.37(c)(1)(iii). Claims 2 and 7 have been cancelled from this application.

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VI. SUMMARY OF CLAIMED SUBJECT MATTER

The following is a concise explanation of the subject matter as defined in independent claims 1 and 6, referring to the specification by page and line number, and the associated drawings. In general, the present invention relates to an arrangement (claim 1) and method (claim 6) where “an update/alert will be transmitted to all members of an Instant Messaging (IM) group via a live session. If some members of the IM group are not involved in the IM session at the time of the update, an e-mail will be sent as a back-up method of reaching those members” (page 2, lines 17-20; paragraph [0007]).

A further explanation of the subject matter of independent claims 1 and 6 can be found at page 4, beginning at line 10 (paragraph [0016]) – with reference to FIG. 1, where it states:

update/alert administrator 20 receives a particular “update” message that is to be sent to a targeted set of IM groups. Administrator 20 includes means for receiving update/alert messages, manipulating the messages, retrieving “target” IM groups to receive the messages, and sending the alert to the retrieved IM groups In the event a member of an IM group is not participating in the chat session (i.e., either the user is off-line or online, but not engaged in the session) at the time the message is being sent, administrator 20 will retrieve the member’s email address and send the alert/update via email

Concise explanation of independent claim 1

Independent claim 1 defines “an arrangement for transmitting updates/alerts” via “a website update/alert administrator” (element 20, FIG. 1), the administrator “receiving update or alert messages from said network (element 18, FIG. 1)” and including these elements: (1) a database of IM groups (with a set of ‘members’ for each group); (2) a target listing of various IM groups to associate sets of IM groups with different types of alerts and updates (element 62, FIG. 3); (3) a transmission element for sending alert/updates to proper, targeted IM groups, and (4) an email address listing to use for members not engaged in session when alert/update is transmitted.

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Concise explanation of independent claim 6

Independent claim 6 is a method claim, defining "a method of transmitting update/alert messages over a data network", the method including the steps of: (1) receiving an alert/update to be transmitted (step 100, FIG. 4); (2) retrieving a targeted listing of IM groups to receive the update/alert (step 110, FIG. 4); (3) transmitting the update/alert to the targeted IM groups (step 120, FIG. 4); (4) determining if any 'members' are not engaged in the session (step 130, FIG. 4); and (5) sending email update/alerts (step 140, FIG. 4) to those members determined in step (4).

With these replacements for Sections IV and VI of the previously-filed Appeal Brief, appellant requests that the Brief is now complete and in proper form for a review on the merits by the Appeal Board.

Respectfully submitted,
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